

**REMARKS**

The present Amendment cancels claims 1-2, 4-6, 8-10 and 12-21, and adds new claims 22-27.

**Drawings and Specification**

Being submitted herewith are the attached replacement sheets of drawings for pages 2/4 - 3/4 and annotated marked-up drawings which merely correct a numbering error in Fig. 3 and add the numeral 32 to Fig. 4 in accordance with the descriptions on page 12, line 20 and page 14, lines 17 and 18, respectively.

The specification has been amended merely to correct inadvertent numbering errors. No new matter has been added.

**35 U.S.C. §§ 102 and 103 Rejections**

Claims 1, 2, 5, 6, 9, 10, 13, 14, 16, 17, 19 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. patent publication No. 2002/0143725 to Smith et al.

Claims 4, 8, 12, 15, 18 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith et al.

For the reasons set forth hereafter, it is submitted that new claims 22-27 are patentable.

**Patentability of the Claims**

Previous claims 1-21 have now all been canceled and replaced by new claims 22-27. The new claims more specifically define Applicants' invention.

The claims are now limited to a method of or an apparatus for managing reagents used in analyzer. Thus the claims call for a method of or an apparatus

for managing reagents used in an analyzer which comprise the steps of or the means for monitoring consumption status of the reagents so as to receive information on the consumption status, analyzing the consumption status of the reagents according to reagent suppliers and the reagents supplied by the reagents suppliers, based on planned information of the consumption status and transmitting the consumption status of the reagents or supply management thereof to a management unit of the analyzer or a supply management unit of the reagent suppliers. Claims 24 and 27 additionally call for the step of or means for requesting payment in consideration of the use of the information in monitoring the consumption status and in analyzing the consumption status of the reagents, from an analyzer administrator, the reagent suppliers or the reagent vendor.

The invention as now claimed is neither taught nor rendered obvious by Smith.

Smith relates to systems, methods and computer program products for determining parameters for chemical synthesis in response to a user query that identifies a target chemical. In response to the user identification of the target chemical, a listing is displayed of reagent chemicals that are used to synthesize the target chemical. A listing is also displayed of equipment that is used to synthesize the target chemical. A listing is also displayed of the procedure that is used to synthesize the target chemical by reacting the reagent chemicals in the equipment according to the described procedure.

In another embodiment of Smith, user input is accepted to electronically order the reagent chemicals that are used to synthesize the target chemical, the target chemical itself, and/or the equipment that is used to synthesize the target

chemical. In response, a transaction is performed to electronically order the reagent chemicals that are used to synthesize the target chemical, the equipment that is used to synthesize the target chemical and/or the target chemical itself.

In still another embodiment of Smith, prior to accepting a user identification of a target chemical, a database is populated with a plurality of target chemicals, a plurality of corresponding listings of reagent chemicals, a plurality of corresponding listings of equipment and a plurality of corresponding listings of procedures. The database then is searched in response to a user identification of a target chemical. Thus, with the Smith invention, target chemicals, their reagent chemicals, their equipment and their synthesis procedures may be entered into a database and maybe queried by a user. Once identified, the reagent chemicals, the target chemicals and/or the equipment maybe electronically ordered.

The Examiner's attention is specifically directed to the fact that Applicants' claims now call for monitoring and receiving information on the consumption status of the reagents and then analyzing the consumption status according to reagents suppliers and the reagents supplied by the reagent suppliers based on planned information of the consumption status. In other words, consumption of the reagents is monitored and measured and that information is transmitted to a management unit of the analyzer or a supply management unit of a reagent supplier.

Applicants cannot find anything regarding monitoring actual consumption of reagents set forth in the Smith patent. Indeed, Applicants cannot find the word "consumption" even mentioned in the patent.

In the rejection under 35 U.S.C. § 102, on page 2, the Examiner refers to paragraph 0046 of Smith and states that it teaches “sorting the consumption information of the consumer goods according to consumer goods supplier (via corresponding plurality of listing in a supplier database and/or listings of equipment that are entered into the equipment database, along with a plurality of third pointers to a corresponding plurality of listings of equipment suppliers in the supplier database); and transmitting the sorted consumption information to a management unit for the analyzer or consumer good supplier supply management units”.

Smith, however, does not monitor and analyze the consumption status of the reagents as in Applicants’ invention but only provides a method for ordering reagents from a particular supplier after the particular reagents needed have been identified.

In the “Response to Arguments” section of the Office Action on page 4, the Examiner notes Applicants’ argument that Smith does not disclose that consumption information of the consumer goods is sorted according to consumer goods supplier and then respectfully disagrees with Applicants’ argument and quotes from paragraph 0030 of Smith. Paragraph 0030, however, does not provide support for the assertion that consumption information of the consumer goods is sorted according to consumer goods supplier. Smith only teaches which supplier may provide necessary in chemical reagent, the equipment used to synthesize the target chemical and/or the target chemical itself.

Accordingly, it is submitted that Smith does not anticipate or render obvious Applicants’ invention as now defined by new claims 22-27.

In view of the foregoing amendments and remarks, Applicants submit that claims 22-27 are in condition for allowance. Accordingly, early allowance of claims 22-27 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. NIP-241).

Respectfully submitted,  
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in cursive script, reading "Gene W. Stockman", written over a horizontal line.

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FIG. 2

151

152	NAME OF THE TESTING EQUIPMENT	(X) ANALYZER
153	DELIVERY LIMIT	2000/11/26

146

154	155	
REAGENT SUPPLIER	REAGENT NAME	VOLUME OF ORDERS PLACED
REAGENT SUPPLIER A	REAGENT a1	5 BOXES
	REAGENT a2	2 BOXES
	REAGENT a3	3 BOXES
REAGENT SUPPLIER B	REAGENT b1	5 BOXES
	REAGENT b2	2 BOXES
REAGENT SUPPLIER C	REAGENT c1	8 BOXES

FIG. 3

161

162	NAME OF THE LABORATORY	(A) LABORATORY	
163	DELIVERY LIMIT, DATE	2000/11/26	2000/11/15

146

164

163

REAGENT NAME	VOLUME OF ORDERS PLACED	
REAGENT A	REAGENT a1	5 BOXES
	REAGENT a2	2 BOXES
	REAGENT a3	3 BOXES
REAGENT B	REAGENT b1	5 BOXES
	REAGENT b2	2 BOXES
REAGENT C	REAGENT c1	8 BOXES



FIG. 4

